

## REMARKS

### INTRODUCTION

In accordance with the foregoing, the specification and claim 9 has been amended. Claims 1-16 are pending and under consideration.

### DRAWING OBJECTIONS

The drawings are objected to for failing to show every feature of the invention specified in the claims.

37 C.F.R. § 1.83 (a) states:

The drawing in a nonprovisional application must show every feature of the invention specified in the claims.

Claim 9 recites a grating, a wavelength plate, and an optical output compensating lens. Although the claims are not restricted to what is disclosed in the specification and drawings, the Examiner is referred to Fig. 5, where all of the grating 151, the wavelength plate 153, and the optical output compensating lens 155 are shown. Thus, all of the claimed elements are illustrated.

Further, Fig. 5 shows that the grating 151 is coupled and formed on an optical incident surface 153a of the wavelength plate 153, and the optical output compensating lens 155 is coupled and formed on an optical emitting surface 153b of the wavelength plate 153.

Claim 10 recites "...the wavelength plate, which is formed in one body with the grating, is bonded to the optical output compensating lens." Although the claims are not restricted to what is disclosed in the specification and drawings, the Examiner is referred to Fig. 3, where the grating pattern 51b of the grating is formed in one body with the wavelength plate 53, and the optical output compensating lens 55 are shown. Thus, all of the claimed elements are illustrated.

Claim 12 recites "...wherein the grating is formed on an optical emitting surface of the optical output compensating lens, so that the grating and the optical output compensating lens are formed in one body." Although the claims are not restricted to what is disclosed in the specification and drawings, the Examiner is referred to Fig. 7, where the wavelength plate 253, and the grating 251 formed on optical output compensating lens 255 are shown. Thus, all of the claimed elements are illustrated.

Withdrawal of the objection is respectfully requested.

REJECTION UNDER 35 U.S.C. §102(b)

Claims 1-5, 7, 8, and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Komma et al. (U.S. Patent No. 5,644,413 – hereinafter Komma).

Komma describes an optical head apparatus of a semiconductor laser for radiating a light beam (abstract).

Komma fails to disclose, "...wherein the optical pickup apparatus further comprises a grating which diffraction-transmits incident light" as recited in independent claim 1.

Komma discusses the use of a hologram lens 94, where the center of the hologram pattern and the center of the objective lens 96 are respectively positioned on a central line of the outgoing light path to decrease off-axis aberration such as astigmatic aberration and coma aberration (col. 26, lines 27-31; Figs. 19-20). Komma states in col. 26, lines 21-40 (*emphasis added*):

Therefore, the polarizing anisotropic hologram lens 94 functions as a hologram lens for first light linearly polarized in an X direction. That is, the first linearly polarized light is diffracted and refracted by the hologram lens 94. In contrast, the polarizing anisotropic hologram lens 94 functions as a transparent plate for second light linearly polarized in a Y direction perpendicular to the X direction. That is, ***the second linearly polarized light transmits through the hologram lens 94 without being diffracted.***

As shown in Figs. 19-20, the polarizing anisotropic hologram lens 94 of Komma does not diffract the second light.

Thus, Komma does not disclose, "...wherein the optical pickup apparatus further comprises a grating which diffraction-transmits incident light."

Withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. §103

Claims 6 and 13-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Komma in view of Park et al. (US 2003/0053394 – hereinafter Park).

On page 5, the Office Action asserts that Park makes up for the deficiencies of Komma. Park does not disclose "...wherein the optical pickup apparatus further comprises a grating which diffraction-transmits incident light, a wavelength plate which changes polarization characteristic of incident light, and an optical output compensating lens which compensates

output of light incident from the light source, all of which being disposed on an optical path between the light source and the beam splitter” as recited in independent claim 1 and is not relied upon by the Examiner to do so.

Further, Park does not teach or suggest, “wherein at least two of the grating, the wavelength plate, and the optical output compensating lens are formed in one body” as recited in independent, claim 1.

Park does not teach or suggest a wavelength plate or optical output compensating lens.

Park states, “Fig. 10 shows an example of one support member 70 for supporting both of the light source 40 and the grating 45” (Para. 63).

Thus, Park does not teach or suggest “...a cylinder, in which at least two of the grating, the wavelength plate, and the optical output compensating lens are fixed” as recited in dependent claim 6. Park does not teach or suggest “...a cylinder, in which at least two of the grating, the wavelength plate, and the optical output compensating lens are fixed” as recited in claims 13-16.

Claims 9, 10, and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Komma.

Claims 9, 10, and 12 depend from claim 1 and include all of the features of that claim plus additional features, which are not taught or suggested by the cited references. Therefore, for at least the above reasons, it is respectfully submitted that claims 9, 10, and 12 are also patentably distinguished over the cited references.

Withdrawal of the rejection is respectfully requested.

## CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

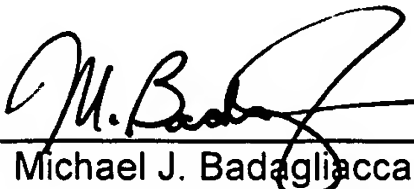
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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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